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STEVEN D. MOORE (State Bar No. 290875)
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Attorneys for Defendants
MOTOROLA MOBILITY LLC and MOTOROLA SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EON CORP. IP HOLDINGS, LLC,

Plaintiff,

vs.

SPRINT SPECTRUM, L.P., et al.,

Defendants.

AND RELATED COUNTERCLAIMS

Case No.: 3:12-CV-01011-JST

**EXHIBIT A TO DECLARATION OF
STEVE MOORE IN SUPPORT OF
DEFENDANTS' MOTION FOR
ATTORNEYS' FEES AND SANCTIONS
AGAINST PLAINTIFF EON CORP. IP
HOLDINGS LLC**

Hearing Date: July 24, 2014
Time: 2:00 PM
Courtroom: 9, 19th Floor
Hon. Jon S. Tigar

Exhibit A

Steven D. Moore

Partner

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Winston-Salem | 336 607 7431

Smoore@KilpatrickTownsend.com

Services

Patent Litigation, Litigation, Intellectual Property



Steve Moore focuses his practice on patent infringement litigation in a wide variety of industries. Mr. Moore frequently defends companies accused of patent infringement, and also represents patent owners harmed by a competitor's infringement in pursuing patent and related claims. Mr. Moore also has experience in successfully coordinating global patent litigation, resulting in favorable rulings for his clients both in the U.S. and abroad. Mr. Moore further has experience in trade dress claims and commercial litigation matters.

Mr. Moore has significant courtroom experience in patent and commercial litigation cases. He has jury trial experience, including first-chairing a jury trial in which the jury returned a verdict that his client did not infringe and that his opponent's patent claims were invalid, as well as second-chairing a three-week jury trial in which the jury found his opponent's patents invalid and that his client did not infringe. Mr. Moore has also argued before the Federal Circuit on several occasions, including before the *en banc* Federal Circuit. Mr. Moore further has argued and examined witnesses in numerous *Markman* hearings, after which courts issued claim construction rulings that have caused cases to resolve favorably for his clients.

Mr. Moore was recognized as a "Rising Star" in Intellectual Property Litigation and Business Litigation in 2009, in Intellectual Property Litigation in 2010, 2011 and 2013, and as a "Super Lawyer" in Intellectual Property Litigation in 2014 by *Super Lawyers* magazine. He is listed in the 2009, 2010 and 2011 editions of *Chambers USA: America's Leading Lawyers for Business* for Intellectual Property Law. Mr. Moore was named to *The International Who's Who of Business Lawyers* for Patents in 2013 and 2014 and *The International Who's Who of Patent Lawyers* in 2013. He is proficient in French and also speaks basic German.

Experience Highlights

Barry W. Thomas v. Motorola, Inc.; Barry W. Thomas v. Cingular Wireless LLC, et al.; Barry W. Thomas v. Cox Communications, Inc., et al.; Thomas v. Adelpia Communications Corp., et al.; Thomas v. Alltel, et al.

The firm served as lead counsel on behalf of a number of defendants, including Motorola, AT&T, and Cox Communications in two parallel patent infringement actions in the Western District of North Carolina and the Eastern District of Texas regarding technology involving wireless telephone handset equipment, and digital cable or satellite set-top boxes. After a favorable claim construction ruling for our clients in the North Carolina matter, the plaintiff agreed to dismiss its claims for infringement with prejudice in both North Carolina and Texas. *Thomas v. Motorola, Inc.*, No. 05-00493 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cingular Wireless LLC, et al.*, No. 05-00495 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Cox Commc'ns, Inc., et al.*, No. 07-0231 (E.D. Tex. filed June 6, 2007); *Thomas v. Adelpia Commc'ns Corp., et al.*, No. 05-00497 (W.D.N.C. filed Nov. 28, 2005); *Thomas v. Alltel, et al.*, No. 05-0506 (W.D.N.C. filed Dec. 6, 2005).

Inter Partes Review challenge for Motorola Mobility

Representing Motorola Mobility in an *Inter Partes* Review challenge of U.S. Patent 7,516,484 relating to a reader adapted for a portable computer. The Patent Trial and Appeal Board has granted our petition on all claims challenged, finding a reasonable likelihood that we would prevail to prove anticipation by prior art. United States Patent and Trademark Office Patent Trial and Appeal Board Case Number IPR2013-00010.

Fort James Corp. & Fort James Operating Co. v. J.H. McNairn, Ltd., et al.

The firm served as lead counsel on behalf of Georgia-Pacific LLC's subsidiaries in a patent infringement suit against two competitors in the Northern District of Georgia involving composite food wrap products. Following a favorable *Markman* ruling in which the court adopted our clients' claim construction arguments, the parties reached a settlement involving cash payment and an ongoing royalty-bearing license. *Fort James Corp. & Fort James Operating Co. v. J.H. McNairn, Ltd., et al.*, No. 04-3000 (N.D. Ga. filed Oct. 14, 2004).

Effingo Wireless Inc. v. Motorola Mobility LLC

We successfully defended Motorola Mobility at a jury trial against patent infringement claims related to wireless earpiece technology in the Western District of Texas. The jury returned a verdict of non-infringement and invalidity against all claims that were at issue.

Intellectual Ventures v. Motorola Mobility LLC

Defending Motorola Mobility LLC in the District of Delaware. Intellectual Ventures filed a patent infringement action against Motorola accusing certain smartphones and tablets of infringing six different patents directed toward (1) back-lit LCD screens, (2) distributing software updates, (3) transporting content to mobile devices, (4) portable computer/docking stations, (5) allocation of wireless bandwidth, and (6) file transfer systems. (Judge Robinson) *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

McKesson Info. Solutions v. Epic Sys. Corp.

The firm served as lead counsel in the representation of Epic Systems Corporation, a leading Wisconsin-based health care software company, against claims of patent infringement in a suit involving Internet-based doctor-patient communications software. The district court held that Epic and its health care provider customers did not and could not infringe the patent. The case settled while on appeal. *McKesson Info. Solutions v. Epic Sys. Corp.*, No. 06-2965 (N.D. Ga. filed Dec. 6, 2006), No. 2010-1291 (Fed. Cir. Apr. 12, 2011).

Patent litigation for provider of automatic order fulfillment systems

The firm served as lead counsel on behalf of a provider of automatic order fulfillment systems in a patent infringement suit brought by a pharmacy automation company in the Northern District of Georgia. Plaintiff accused our client of infringing a patent related to automated prescription filling systems. Summary judgment was granted in favor of our client and affirmed by the Court of Appeals for the Federal Circuit.

Molnlycke Health Care Group AB v. Ossur & Medline

Served as lead counsel on behalf of Molnlycke Health Care Group AB in a patent infringement suit against two competitors in the Northern District of Georgia involving silicone-based wound dressings. The court entered a favorable claim construction ruling for our clients, and the case settled while summary judgment motions were pending after the manufacturer of the accused products removed them from the U.S. marketplace. *Molnlycke Health Care Group AB v. Ossur & Medline*, No. 06-1027 (N.D. Ga. filed Apr. 28, 2006).

Patent infringement litigation for Kennametal Inc.

Representation of Kennametal Inc., a \$2 billion per year NYSE company, in a patent litigation action that its biggest global competitor filed in the United States District Court for the Western District of North Carolina, alleging that Kennametal infringes certain metal cutting tool patents. We successfully transferred the case to

the United States District Court for the Western District of Pennsylvania – Kennametal's home jurisdiction – pursuant to 28 U.S.C. §1404(a). We forced a voluntary dismissal of one of the two patents. We then obtained a favorable claim construction ruling in which the remaining patent was found invalid for indefiniteness. The parties later entered an agreement resolving their disputes in this action and other related actions. *Sandvik Intellectual Prop. AB v. Kennametal Inc.*, No. 09-0163 (W.D.N.C. filed Apr. 27, 2009); *Sandvik Intellectual Prop. AB, v. Kennametal Inc.*, No. 10-654 (W.D. Pa. filed May 13, 2010).

We also represented Kennametal in a patent litigation matter in the United States District Court for the Western District of Pennsylvania alleging that Kennametal's largest global competitor and related entities infringe claims of two patents owned by Kennametal. We obtained an agreement for one entity to cease infringing one of the patents. The parties were still litigating the other patent, which related to metal cutting tools, at the time of settlement. *Kennametal Inc. v. Sandvik, Inc. d/b/a Sandvik Coromant Co., et al.*, No. 09-cv-00857, (W.D. Pa. filed June 29, 2009).

We also served as global coordinating counsel in a patent litigation action that Sandvik filed in the High Court of Justice, Chancery Division, Patents Court, United Kingdom. After a bench trial, the Court found Sandvik's patent invalid for indefiniteness, lack of enablement, and obviousness. *Sandvik Intellectual Property AB, Claimant and Kennametal UK Limited, Kennametal Inc., Kennametal Europe GMBH, Defendants*; Claim No. HC 10 C02090, High Court of Justice, Chancery Division, Patents Court.

Milliken & Company v. Interface, Inc., et al.

The firm served as lead counsel on behalf of Interface Inc., a leading manufacturer of carpet tile, in patent litigation filed by one of its largest competitors alleging hundreds of millions of dollars in damages as a result of infringement of two patents. After a three-week jury trial, the jury took less than one hour to find that the competitor's patents were invalid and that Interface did not infringe them. During the hearing on inequitable conduct issues, Interface reached a confidential settlement with the competitor resolving these issues as well as resolving Interface's counterclaims for infringement of two of its own patents.

EON Corp. IP Holdings, LLC v. Motorola Mobility LLC

On March 5, 2014, the firm was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly 3 ½ years. We defended Motorola Mobility against EON, a resurrected shell of a 1980s-era interactive television venture, that has asserted its patents against dozens of defendants. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Publications, Articles & Speeches

Divided Infringement: A Gordian Knot Still, October 2012

Advanced Patent Drafting Strategies, August 2011

"Fed. Cir. Raises Bar for Inequitable-Conduct Claims," *National Law Journal*, October 2009

Professional & Community Activities

Georgia State Bar Association, Member

Federal Bar Association, Executive Committee Member of Atlanta Chapter

North Carolina State Bar, Member

Alaska Law Review, Former Executive Editor



Education

Duke University School of Law, J.D., *magna cum laude* (1996)

Duke University, A.B., Economics, *cum laude* (1993)

Bar Admissions

California

North Carolina

Georgia

Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of California

U.S. Court of Appeals for the Fourth Circuit

Clerkships

U.S. District Court for the Northern District of Georgia – Richard C. Freeman

U.S. District Court for the Eastern District of North Carolina – Alexander B. Denson

Christopher Schenck**Partner**

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Services

Intellectual Property, Patent Litigation, Litigation, Intellectual Property Litigation

Industries

Technology & Software, Telecommunications, Semiconductors & Electronics



Chris Schenck concentrates his practice on intellectual property. He routinely counsels his clients regarding patent litigation, licensing, protection and enforcement of trade secrets, as well as a variety of other issues faced by technology companies. Mr. Schenck has represented companies in federal and state courts, and in the International Trade Commission. He has experience with both jury and bench trials.

Mr. Schenck is a registered patent agent, and has prosecuted patents in a variety of subject matters ranging from simple mechanical devices to complicated encryption schemes and computer algorithms. He has represented clients in a wide variety of industries and technologies including Internet, telecommunications, semiconductor, software, mechanical, and biomedical devices. He has also helped companies catalog and capitalize on their patent assets and licenses, as well as evaluate the intellectual property assets of acquisition targets.

Mr. Schenck performs pro bono legal work for and serves on the board of FareStart, a non-profit culinary job training and placement program for homeless and disadvantaged individuals. He is the Chairman of the Board for SC Test Prep, a non-profit in his home state that helps prepare diverse students, families, and schools for success in undergraduate admissions and scholarships.

Mr. Schenck has been named a Rising Star in intellectual property litigation by *Washington Law & Politics* every year since 2010. While in college, he competed at the World Finals of the Association for Computing Machinery's Collegiate Programming contest.

Experience Highlights**EON Corp. IP Holdings, LLC v. Motorola Mobility LLC**

On March 5, 2014, the firm was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly 3 ½ years. We defended Motorola Mobility against EON, a resurrected shell of a 1980s-era interactive television venture, that has asserted its patents against dozens of defendants. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Inter partes review challenges for Motorola Mobility LLC

Representing Motorola Mobility in multiple *inter partes* review challenges against Intellectual Ventures I LLC and Intellectual Ventures II LLC. The *inter partes* review challenges relate to data transmission, multimedia messaging services and wireless hotspots and involve U.S. Patents No. 5,790,793; 7,136,392 and 7,382,771. United States Patent and Trademark Office Patent Trial and Appeal Board, Case Numbers IPR2014-00500; IPR2014-00501 and IPR2014-00504.



Professional & Community Activities

American Criminal Law Review, Annual Survey Editor

King County Bar Association, Member

Washington State Bar Association, Member

Catalyst Kitchens Advisory Council, Member

Education

Georgetown University Law Center, J.D.

University of North Carolina at Chapel Hill, B.S., Computer Science

Bar Admissions

Washington

Admissions

U.S. Patent and Trademark Office

U.S. District Court for the Western District of Wisconsin

U.S. District Court for the Western District of Washington

U.S. District Court for the Eastern District of Texas

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Federal Circuit



Frederick L. Whitmer

Partner

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Services

Antitrust & Trade Regulation, Complex Business Litigation, Intellectual Property Litigation

Industries

Technology & Software



Fred Whitmer is the Managing Partner of the firm's New York office. He focuses his practice in intellectual property and business litigation. Mr. Whitmer's patent litigation experience has involved a wide array of technologies across many industries, ranging from the simple mechanical to complex computer software and systems patents, to medical devices and chemical products. He has successfully represented both plaintiffs and defendants in patent infringement matters. Mr. Whitmer has tried cases to successful verdict and appeal for nearly three decades in courts around the country in cases before both judges and juries.

Complementing his extensive intellectual property litigation experience, Mr. Whitmer has wide-ranging general litigation experience in several high profile matters, including in antitrust, telecommunications, libel, press rights, privacy issues and trade secrets. He has litigated complex matters on behalf of *Fortune* 100 clients throughout the country and abroad. Mr. Whitmer has also supplemented his trial experience with a substantial appellate practice, successfully representing both appellants and appellees.

Mr. Whitmer's article titled "Claim Construction in Patent Cases: A Question of Law?" published in *Landslide* Vol. 2, No. 6 in July/August 2010 was cited in the dissenting opinion in the recent *Phillips* en banc decision in the U.S. Court of Appeals for the Federal Circuit.

In 2000, the *National Law Journal* named Mr. Whitmer one of the top 10 litigators then practicing with firms whose principal offices were New Jersey-based, saying, "Mr. Whitmer has appeared before the Supreme Court of New Jersey four times and won all four cases, including one that helped create the law interpreting the New Jersey Business Corporation Act and another, while representing two large media entities, that established rules for the press in court." He has also been listed for many years in *Who's Who* in American Law. Mr. Whitmer has been honored as a 2012 Top Rated Lawyer in Commercial Litigation by Martindale-Hubbell in the *Litigation Special Report* issue of *The American Lawyer* and *Corporate Counsel* magazines. Mr. Whitmer was recognized as a New York "Super Lawyer" in 2011, 2012 and 2013 by *Super Lawyers* magazine. He was named a 2013 "IP Star" by *Managing Intellectual Property* magazine. Mr. Whitmer is AV *Preeminent*® rated by Martindale-Hubbell.*

*AV®, BV®, AV Preeminent® and BV Distinguished® are registered certification marks of Reed Elsevier Properties Inc., used under in accordance with the Martindale-Hubbell certification procedures, standards and policies.

Experience Highlights

Patent litigation for global industrial company

Represented a global industrial company in a patent case involving a plastic carrier for integrated circuit chips. The firm obtained a defense verdict after a three-week bench trial that resulted in the invalidation of the claims of the patent that had been asserted against the client and the Federal Circuit affirmed in this opinion.

GeoTag Inc. v. Victorinox Swiss Army Inc.

Successfully defended Victorinox Swiss Army, Inc. against claims of infringement of a patent related to a geographic search function in the Eastern District of Texas. Matter settled. *GeoTag Inc. v. Where 2 Get It Inc. et al.*, No. 11-0175 (E.D. Tex. filed Mar. 15, 2011).

Antitrust and Federal Communications Act litigation for global telecommunications company

Represented a global telecommunications company and earned defense jury verdict at trial in the Eastern District of Pennsylvania in an antitrust and Federal Communications Act matter where plaintiff's potential damage recovery exceeded half a billion dollars but where the jury returned a no cause verdict, and awarded damages of less than one million dollars on the client's counterclaim.

Patent litigation for a German orthodontic equipment manufacturer

Represented a German orthodontic equipment manufacturer that was accused of infringing a patent held by one of the world's largest dental equipment companies. After a full trial on the merits, the jury found no infringement. The Federal Circuit affirmed.

First Amendment case for two large media entities

Represented two large media entities in a landmark First Amendment case. Successfully kept pretrial proceedings in a notorious criminal case open to both the public and the press, having won at every stage, trial, intermediate appellate, and the New Jersey Supreme Court levels all in a span of 60 days.

Patent litigation for large, international bank

Represented one of the world's largest banks that was accused of infringing patents involving payment by telephone software systems, which settled after successful transfer and attorney disqualification motions.

EON Corp. IP Holdings, LLC v. Motorola Mobility LLC

On March 5, 2014, the firm was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly 3 ½ years. We defended Motorola Mobility against EON, a resurrected shell of a 1980s-era interactive television venture, that has asserted its patents against dozens of defendants. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Publications, Articles & Speeches

i4i v. Microsoft, Implications of the Landmark Patent Infringement Case, TeleBriefing, April 2010

Guns or Butter: Can You Afford Both?, November 2009

"Information Technology Litigation: Law and Analysis," *American Lawyer Media*, May 2008

"Litigation Is War, Strategy and Tactics for Litigation Battlefield," *West Legal Works*, October 2007

"Is An Express Contract Always Better?," *Law 360*, October 2011

"Is a \$145 Action More a 'Trial' in a District Court or an 'Appeal' in a Circuit Court? The Federal Circuit Answers in Favor of Trial," *Intellectual Property & Technology Law Journal*, February 2011

"i4i Dots the i's. Microsoft Doesn't. Result: \$240 Million Verdict," *New York Law Journal*, October 2010

"Claim Construction in Patent Cases: A Question of Law?," *Landslide*, July 2010

"Leverage Economic Constraints to Strategic Advantage," *New York Law Journal*, October 2009



Professional & Community Activities

American Bar Association, Member

New Jersey State Bar Association, Member

Education

Columbia Law School, J.D., *Harlan Fiske Stone Scholar*

Wabash College, B.A., *with honors, Phi Beta Kappa*

Bar Admissions

New York

New Jersey

Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Second Circuit

Byron R. Chin**Associate**

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Services

Intellectual Property, Patent Litigation, Copyright, Internet, Complex Business Litigation, Biologics and Biosimilars

Industries

Health & Life Sciences, Medical & Surgical Devices, Pharmaceuticals, Semiconductors & Electronics, Technology & Software, Telecommunications



Byron Chin focuses his practice on intellectual property litigation including patent litigation and copyright litigation. His legal experience includes litigating in the areas of biotechnology, pharmaceuticals (Hatch-Waxman Act/ANDA), wireless communications, semiconductors, copyright infringement, DMCA violations and enforcement, and trademarks.

Prior to joining the firm, Mr. Chin was a summer associate at a New York-based law firm, where he focused on patent litigation, patent prosecution and trademark law.

Mr. Chin was recognized as a 2013 Northern California "Rising Star" for Intellectual Property Litigation by *Super Lawyers* magazine.

Experience Highlights**Medtronic Inc. et al. v. Edwards Lifesciences Corp. et al.**

Represents Edwards, the global leader in the science of heart valves and hemodynamic monitoring, in defense of a patent infringement action involving mitral and aortic valve holders and intra-aortic filters. Case settled favorably. *Medtronic, Inc., Medtronic USA, Inc. v. Edwards Lifesciences Corp, et al.*, No. 11-cv-01650 (D. Minn. filed June 24, 2011).

Apple Computer Inc. v. Psystar Corporation

Obtained summary judgment and a permanent injunction against a computer company utilizing Apple's copyrighted operating system software on non-Apple hardware based upon copyright infringement and violation of the Digital Millennium Copyright Act. The ruling resulted in a published opinion which affirmed liability for distributing copies of operating software and circumvention technology. The Ninth Circuit affirmed the permanent injunction and inapplicability of copyright misuse. *Apple Computer Inc. v. Psystar Corporation*, 673 F.Supp.2d 943 (N.D. Cal. 2009), 673 F.Supp.2d 931 (N.D. Cal. 2009), 586 F.Supp. 2d 1190 (N.D. Cal. 2008), *aff'd in relevant part*, 658 F.3d 1150 (9th Cir. 2011) (affirmed on infringement, remand regarding sealing of certain information), *cert. denied* 132 S. Ct. 2374 (May 14, 2012).

Duramed Pharmaceuticals Inc. v. Watson Laboratories Inc., et al.

Represented Watson in pending ANDA litigation of generic version of SEASONIQUE®. *Duramed Pharmaceuticals, Inc. v. Watson Laboratories, Inc.*, et al., No. 3:08-cv-116 (D. Nev. filed Mar. 6, 2008).

Bayer Schering Pharma AG v. Lupin Ltd., et al.

Represented appellee Watson Pharmaceuticals, Inc. in successful defense of district court's order dismissing Bayer's claims of patent infringement. The Federal Circuit agreed with Watson that for a generic drug maker to infringe a method-of-use patent, the proposed label must indicate that the drug is approved (i.e., safe and effective) for the claimed method. *Bayer Schering Pharma AG v. Lupin, Ltd., et al.*, 2012 U.S. App. LEXIS 7570, Fed. Cir. Appeal No. 2011-1143 (April 16, 2012).



Actuate Corporation v. Aon Corporation et al.

Represent Actuate Corporation, a manufacturer of business intelligence software, in breach of contract and copyright infringement litigation against Aon Corporation and TWG, Inc. Aon licensed a certain quantity of software from Actuate. Aon then spun off one of its divisions into a new company, TWG. Now both Aon and TWG are using Actuate's software which Actuate contends violates both the terms of its license contract with Aon and violates Actuate's copyrights in its software. Matter settled. *Actuate Corp. v. Aon Corp., et al.*, No. 10-5750 (N.D. Cal. filed Dec. 16, 2010).

Publications, Articles & Speeches

"'KSR' Has Made It Easier To Prove Obviousness," *National Law Journal*, October 2011

"One Last Chance: *Abigail Alliance v. Von Eschenbach* and the Right to Access Experimental Drugs," *UC Davis Law Review*, April 2008

Professional & Community Activities

American Intellectual Property Law Association, Member

American Psychology and Law Society, Member

San Francisco Intellectual Property Law Association, Member

Education

University of California, Davis School of Law, J.D., *UC Davis Law Review*, Senior Articles Editor; *UC Davis Business Law Journal*, Executive Editor (2008)

Georgetown University, M.S., Physiology and Biophysics (2004)

Williams College, B.A., Biology and Psychology (2003)

Bar Admissions

California (2008)

Jessica L. Hannah**Associate**

San Francisco 415 273 7502

Jhannah@KilpatrickTownsend.com

Services

Patent Litigation, Intellectual Property Litigation

Industries

Medical & Surgical Devices, Semiconductors & Electronics, Technology & Software, Telecommunications



Jessica Hannah focuses on patent litigation matters pertaining to computer systems and architecture, computer software, networking and telecommunications, and design patents. Ms. Hannah was recognized as a Northern California "Rising Star" in 2013.

Prior to joining the firm, Ms. Hannah clerked for the Honorable John D. Love of the United States District Court for the Eastern District of Texas and worked at a small firm with a substantial patent practice in the Eastern District of Texas. She also had the opportunity to serve as a judicial extern for the Honorable Marilyn Hall Patel of the United States District Court for the Northern District of California. During law school, Ms. Hannah completed a legal internship for the Office of the City Attorney of San Francisco and worked as a summer associate at Townsend. Ms. Hannah was on the editorial board for the Golden Gate University Law Review.

Experience Highlights**Secure patent licenses for Hynix Semiconductor Inc.**

Represented Hynix Semiconductor Inc. in the Chapter 15 bankruptcy proceeding for Qimonda AG. Qimonda sought recognition of its German insolvency proceedings and the application of German insolvency laws. The U.S. District Court for the Eastern District of Virginia remanded the case to the bankruptcy court for a determination of whether the ruling went against public policy. Discovery and a trial in the bankruptcy court ensued. The bankruptcy judge denied Qimonda's motion and found that the Bankruptcy Code's section 365(n) protections applied to the licenses under Qimonda's U.S. patents, contrary to the likely result if German law were applied. The ruling only applies to the U.S. patents; however, it is important globally because of the size of the patent market in the U.S. and the importance of licenses under U.S. patents. Qimonda has appealed the matter.

Universal Electronics Inc. v. Logitech Inc. et al.

Served as lead counsel for Logitech, a global leader in the development of innovative personal peripherals, in defense and counterclaims of a patent infringement action involving universal remote controls. Case settled. *Universal Electronics, Inc. v. Logitech, Inc., et al.*, No. SACV 11-1056 JVS (ANx) (C.D. Cal. filed July 15, 2011).

Publications, Articles & Speeches

"The Importance of Judicial Economy in the 1404a Venue Transfer Analysis," *Townsend IP Update*, December 2010

"Releasing the Waters from the Gorge of East Texas The Federal Circuit Discharges the Dam of Patent," 201 *Practice Series: Beyond the Basic*, ABA YLD Publishing, April 2010



"Complex Patent Cases Observations from the Bench," *13 SMU Sci. & Tech. L. Rev.* 121 (Spring), March 2010

"On Certiorari to the Ninth Circuit Court of Appeals": The Supreme Court's Review of Ninth Circuit Cases During the October 2006 Term," *38 Golden Gate U. Law Rev.* 409, January 2008

Education

Golden Gate University School of Law, J.D. (2008)

University of Illinois, B.S., Engineering (2005)

Bar Admissions

California

Court Admissions

U.S. District Court for the Eastern District of Texas

U.S. Court of Appeals for the Fifth Circuit

Clerkships

U.S. District Court for the Eastern District of Texas

Dario A. Machleidt

Associate

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DMachleidt@KilpatrickTownsend.com

Services

Intellectual Property Litigation, Patent Litigation, Appellate Litigation, Copyright, Trademark, Trade Secret

Industries

Technology & Software, Telecommunications, Semiconductors & Electronics, Pharmaceuticals



Dario Machleidt focuses his practice on intellectual-property litigation. His experience includes representing clients in matters involving patents, copyrights, trademarks, and trade secrets. Additionally, Mr. Machleidt has litigated patent cases before the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court.

Between March and April 2014, Mr. Machleidt served as a Special Deputy Prosecutor in the King County Prosecuting Attorney's Office. He co-tried five felony jury trials during that time. Mr. Machleidt conducted jury selection, gave opening statements and closing arguments, and performed witness examinations in each trial.

Prior to joining the firm, Mr. Machleidt worked as an associate in the Seattle office of a national law firm. During law school, he served as a judicial extern for Chief Judge Randall R. Rader of the U.S. Court of Appeals for the Federal Circuit. He was also a Comments and Articles Editor of the *Pacific Rim Law & Policy Journal*.

In 2012 and 2013, Mr. Machleidt was recognized as a Washington "Rising Star" by *Super Lawyers* magazine. He is a 2012 and 2013 recipient of the Pro Bono Publico Service Commendation from the Board of Governors of the Washington State Bar Association. Mr. Machleidt actively participates in the Washington legal community and mentors at the University of Washington School of Law.

Professional & Community Activities

Washington State Bar Association, Member

Federal Circuit Bar Association, Member

Seattle Intellectual Property Inn of Court, Member

Education

University of Washington School of Law, J.D., Intellectual Property Concentration, *Pacific Rim Law & Policy Journal*, Comments and Articles Editor; Moot Court Honor Board, Member; 1L Moot Court Appellate Advocacy Competition, Champion (2009)

University of Washington, B.S., Physics, *cum laude*, *Phi Beta Kappa* (2006)

Bar Admissions

Washington (2009)

Admissions

U.S. Supreme Court

U.S. District Court for the Western District of Washington

U.S. Court of Appeals for the Federal Circuit



Andrew W. Rinehart

Associate

Winston-Salem | 336 607 7312

ARinehart@KilpatrickTownsend.com

Services

Intellectual Property, Patent Litigation

Industries

Aerospace & Defense, Semiconductors & Electronics, Technology & Software, Financial Services, Banking & Credit Unions



Andy Rinehart focuses his practice on patent litigation matters.

Mr. Rinehart worked with the firm as a summer associate in 2012. Before attending law school, Mr. Rinehart was a Captain in the United States Army and the North Carolina National Guard, where he served in several command and staff assignments. Mr. Rinehart deployed in support of Operation Iraqi Freedom for 15 months with the 1st Infantry Division, during which time he was awarded a Bronze Star Medal and a Combat Action Badge.

Experience Highlights

EON Corp. IP Holdings, LLC v. Motorola Mobility LLC

On March 5, 2014, the firm was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly 3 ½ years. We defended Motorola Mobility against EON, a resurrected shell of a 1980s-era interactive television venture, that has asserted its patents against dozens of defendants. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Professional & Community Activities

21st Judicial District Bar, Member

Wake Forest Law Review, Staff Member (2011-2013)

Education

Wake Forest University School of Law, J.D., *cum laude* (2013)

Wake Forest University School of Business, M.B.A., *with honors* (2013)

Wake Forest University, B.S., Computer Science, *magna cum laude* (2005)

Bar Admissions

North Carolina (2013)

Admissions

U.S. District Court for the Middle District of North Carolina (2013)

Carl E. Sanders**Associate**

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Raleigh | 919 420 1723

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Services

Intellectual Property, Patent Prosecution & Counseling, Patent Litigation

Industries

Technology & Software



Mr. Sanders focuses his practice on intellectual property, particularly patent prosecution, licensing, and litigation. He has prosecution experience in a wide range of technologies, including software, electro-mechanical devices, haptics, medical devices and simulations, business methods, and distributed systems. Mr. Sanders has litigation experience with a variety of software and electronics-based patents, include database technology, locationing and dispatching systems, cellular technologies, and banking systems. He has also counseled clients regarding software licenses and professional services agreements. Prior to joining Kilpatrick Townsend, he worked as a software engineer and developed real-time embedded systems, including remote monitoring and diagnostic systems and cellular technology.

Mr. Sanders has been recognized as a North Carolina "Rising Star" in Intellectual Property Law in 2014 and the three years immediately preceding by *Super Lawyers* magazine.

Experience Highlights**Firestar Software Inc. v. Red Hat, Inc., et al.**

The firm served as lead counsel on behalf of Red Hat, an open-source software company, in a patent infringement suit brought by Firestar related to database technology—in particular, object-relational mapping. This suit is believed to be the first patent infringement suit involving open-source software. Red Hat recently settled this suit and another recently-filed suit with the same plaintiff. The settlement was structured to be compatible with all versions of the GPL (General Public License), the open-source license under which many Red Hat products are developed and distributed, and provides licenses to the patents for all of Red Hat's products. In addition, the license extends not only to Red Hat and its customers, but also to members of the open-source community who contribute to the development of Red Hat's products. *Firestar Software, Inc. v. Red Hat, et al.*, No. 06-00258 (E.D. Tex. filed June 26, 2006). (Judge Ward).

DataTreasury Corp. v. Wachovia Corp., et al.**DataTreasury Corp. v. Wells Fargo & Co., et al.**

Lead counsel for Wachovia Bank, Branch Banking & Trust Company, M&T Bank and Comerica Bank against DataTreasury in patent infringement suits in the Eastern District of Texas. The patents at issue involved various technologies, including telecommunications, electronic payment and clearing systems, software, business methods, and electrical and mechanical devices. The plaintiff in these cases sued more than 40 defendants, including many leading banks and financial institutions. Cases settled in 2009 and 2010 shortly before trial. *DataTreasury Corp. v. Wachovia Corp., et al.*, No. 05-0293 (E.D. Tex. filed June 28, 2005) and *DataTreasury Corp. v. Wells Fargo & Co., et al.*, No. 06-0072 (E.D. Tex. filed Feb. 24, 2006). (Judge Folsom).

Intellectual Ventures v. Motorola Mobility LLC

Defending Motorola Mobility LLC in the District of Delaware. Intellectual Ventures filed a patent infringement action against Motorola accusing certain smartphones and tablets of infringing six different patents directed

toward (1) back-lit LCD screens, (2) distributing software updates, (3) transporting content to mobile devices, (4) portable computer/docking stations, (5) allocation of wireless bandwidth, and (6) file transfer systems. (Judge Robinson) *Intellectual Ventures I LLC, et al. v. Motorola Mobility, LLC*, Civ. No. 11-908 (D. Del. filed Oct. 6, 2011).

Patent litigation for telecommunications company

The firm served as lead counsel on behalf of telecommunications company in a patent infringement matter in the Northern District of Georgia involving fleet management and vehicle location systems. Following discovery of the inventors and filing of a summary judgment motion of invalidity, we helped client obtain a favorable settlement of all claims.

EON Corp. IP Holdings, LLC v. Motorola Mobility LLC

On March 5, 2014, the firm was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly 3 ½ years. We defended Motorola Mobility against EON, a resurrected shell of a 1980s-era interactive television venture, that has asserted its patents against dozens of defendants. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Publications, Articles & Speeches

"Patentable Subject Matter: *Nuitjen*, *Comiskey*, *Bilski*, and Beyond," *Intellectual Property Desk Reference*, January 2009

"How to Take Advantage of Rule 26 to Protect Privileged Information," *Intellectual Property Litigation*, April 2008

"Force Reflection for WIMPS: A Button Acquisition Experiment," *American Society of Mechanical Engineers*, June 1997

Education

Wake Forest University, J.D. (2005)

Swarthmore College, B.S., Engineering (1998)

Swarthmore College, B.A., Computer Science (1998)

Bar Admissions

North Carolina

Admissions

U.S. Patent and Trademark Office



Caroline K. Wray

Associate

Winston-Salem | 336 607 7503

CWray@KilpatrickTownsend.com

Services

Litigation, Patent Litigation

Industries

Health & Life Sciences, Medical & Surgical Devices, Semiconductors & Electronics



Caroline Wray focuses her practice on patent litigation matters.

During law school, Ms. Wray served on the Editorial Board of the *Virginia Tax Review*. Prior to joining the firm, she served as a law clerk to Judge Patricia H. Minaldi of the U.S. District Court for the Western District of Louisiana.

Experience Highlights

EON Corp. IP Holdings, LLC v. Motorola Mobility LLC

On March 5, 2014, the firm was successful on behalf of Motorola Mobility in winning summary judgment against EON Corp. IP Holdings, LLC less than three weeks before trial, in a case that had been pending in the District of Delaware for nearly 3 ½ years. We defended Motorola Mobility against EON, a resurrected shell of a 1980s-era interactive television venture, that has asserted its patents against dozens of defendants. The court's grant of summary judgment was decided on the relatively uncommon ground of invalidity by indefiniteness, and entirely invalidated EON's patent, ending the case at the district court. *EON Corp. IP Holdings, LLC v. FLO TV Inc.*, No. 10-812-RGA, 2014 WL 906182 (D. Del. Mar. 4, 2014).

Education

University of Virginia School of Law, J.D. (2011)

Duke University, B.S.E., Biomedical Engineering and Electrical Engineering (2006)

Bar Admissions

North Carolina (2013)

Texas (2011)

Admissions

United States Patent and Trademark Office (2012)

Clerkships

U.S. District Court for the Western District of Louisiana – Honorable Patricia H. Minaldi (August 01, 2011 - August 01, 2012)